

FCC Localism Docket - Comments related to latest NPRM issued early 2008.

#### Program Ascertainment Rules:

Having worked in and around radio or near it as a buff for many years, I see the value of local program ascertainment rules. Many broadcasters did a great job in the 70s and 80s when the rules were still in force, and I welcome at least a partial return of the rules, as they will require broadcasters to seriously look at what programming they have provided for their community of license, independent of the entertainment format provided for the listenership generally.

However, they should not be so onerous on broadcasters as to hamper them in making most decisions as to what they feel are pertinent issues they have or will cover. A middle ground must be struck between the need to know what is going on with the local broadcaster and the general public in each broadcaster's city of license and how much information should be put in the report. I believe at least a few lines describing subjects of programs on a simple form per quarter should do, plus some news headlines for the local area, not national 'catch-all' stories' headlines, should do it.

#### 'Advisory Boards'.

This has been a fixture of NPR and other public radio boards for years. And it has worked. I have not been to a meeting of such a board but have heard they do work in explaining why a broadcaster does what they do regarding the operation of their station and the public interest matters they address.

All stations that are not local in nature still should have one, some large operators in the NCE service flaunt this rule and have actively advertised for board members to move to their flagship headquarters. It has to be local.

To be local, a board member must have lived in the area for two years prior to the start of his or her term. This would be consistent with LPFM localism requirements and would make that a requirement for all broadcasters, in the reserved band and nonreserved band alike in radio, and on all TV stations as well.

This need not be a paid position. That seems to be the worry about this among broadcasters. Broadcasters should hold an annual meeting to elect the board, with nominations coming from the community for it that night and the rest of the room electing the nominees, and broadcasters would have to air announcements of the meetings some time in advance on a rather frequent basis. Again, all members would have to live in the local area and most would have to live in the Community of License in order for this to be effective in ensuring localism.

Some large broadcasters are doing a form of this online now, with 'Music Advisory Panels', etc. But this would go further than that. Additional comment may be necessary to better define a community advisory board member's role.

Station staffing requirements. A station should be staffed from 6am to 7pm local time daily, business office staff should be on duty from 9am to 5pm. Automation has its benefits in allowing stations to stay on longer hours, such as overnights, to provide night time aural services to communities that would not otherwise have that service, so the best thing to require is that the station have someone 'on-call' to handle such things as tornado warnings, emergency issues that arise, and malfunctions at the station. But the FCC needs to again strike a balance here, and not overdo it, if they do, the Commission risks some stations going off the air entirely, or other curtailment of hours of operation.

Voicetracking.

Voicetracking has its purpose, but it must be local. This would allow a local station to have a presence overnight that automation just cannot do. A few persons can better handle local things than many at a cluster if the group owner can't afford alot, but talent must not be allowed to do things 'out of market', because it all sounds fake because the person does not live there.

The exception would be programming that is run through the night, to allow for station operation overnight, or late night. Or even some weekend hours. Classical music broadcasters see value in this, as the people who provide the programming can better know the music and artists who perform it. Again, some reform is necessary, but again the Commission should look at all the angles here before issuing any decision.

National network restrictions.

National network restrictions on some aspects of operation are now necessary. Several large operators in the NCE band outside of school networks and other statewide networks that provide programming for that state, part of a state, or parts of two or more states that share a market area or region served by a locally owned NCE operator are seriously abusing the rules about localism. Often they simply run programming, including even public affairs and news programming, from a 'main station' (flagship, etc.) in one locality and rebroadcast it via hundreds of full-power FM and FM translator stations fed by satellite. I've heard several of these, and the only thing local that I've ever heard is a station ID when I've been near one when they did that. Even the translators that should broadcast the local station run the station ID for the distant one.

Main studio waivers should be maintained for public, school, and local community groups who own

stations in a given geographic area. But for a station to be designated as a main studio in one state to be feeding another station without a studio 500 miles away is definitely out of order, the local listeners do not have a close means of contacting the station owner. Those types of arrangements can and should be disallowed or required to be terminated.

A network-owned station for the area should be running programming for that local area, or if several stations serve a state, they should all still be allowed to be on the same network. But they must not be allowed to just run the same national feed as hundreds of other stations. All must have some local in-state programming, or in-region programming if the larger market that or university/community/public station group serves a region that encompasses two or three states very close by, like within 300 miles of the flagship at most.

Again further discussion of the issue will be necessary before the Commission issues a final decision, but the above will at least be necessary in part, to provide localism for many communities that actually got a station in the last ten years or so and really do not.

The problem with 'rimshotting'.

'Rimshotting' is the practice of placing a tower at the proper spacing from other towers for a market and hitting at least part of the larger market from that location, often the station is the sole local service for the community of license. The term comes from hitting the rim of a snare drum and not the head, hence the adoption of the term among broadcast buffs. Another definition comes from basketball where the broadcaster gets 'nothing but net' in hitting the core of a local market, if not all of it.

Rimshotters actually cheat the local market by not selling advertising to the local merchants not in the larger market due to the fact that often the local markets do not have enough money to buy advertising. Rimshotting radio stations also rarely if ever air programming relevant to the local community, such as news, local PSAs, event announcements/calendars, etc. Sometimes they put these like after midnight so it is ineffective. In other words, according to a statement by Jim Sveda after reviewing an orchestra's performance of a symphony about ten years ago, they are 'efficient, but d\*\*\* little else'.

To rectify this, they need to include at least a couple of news items for the local community or county they are in per newscast, should be required to run at least one local ad each break, and one PSA for the community every other hour of operation.

Location for main studio.

Many allotments have been made by the commission for very small communities, usually under 2,000, that do not have suitable locations for a main studio. Therefore, the station often locates in a larger community. Rimshotters also move their main studio out of the community of license as well.

The main studio rule should require the studio to be in the largest town in the county the station's community of license is in, or in the nearest community of 5,000 or greater if there are several communities. In urban areas, the station should be required to actually be in the community of license. I have several stations in my area that have offices 40 miles away, one is as much as 55 miles away from its community of license, and the population of the community is approaching 20,000 due to recent growth.

Rimshotters have moved their studios to cluster offices in the larger urban areas, thus making them largely inaccessible to the communities. That's why the 'in-county' rule must be adopted, it is a must to prevent the abuses of the localism requirements perpetrated by many rimshotters, and also to ensure the station is actually nearby in the case of those smaller towns that have no suitable locations for a main studio.

This should be made part of the 'Tuck' analysis when considering allotments too. 'Is the community of license situated in an area that has a larger community for purposes of maintaining a main studio?' and 'Does the proponent know of suitable main studio locations within the county the community is in that is being proposed for an allotment?'

Other challenges and needs.

Some programming is simply going to have to be made available nationally 24 hours, 7 days a week on some stations that choose to do so because of costs of acquiring a suitable music library. This is true especially of classical and traditional jazz music. Most classical labels report sales of 1,000 to 2,000 per CD, and it might be the same for traditional jazz, and some other labels that cater to say certain religious persuasions, or ethnic minorities. In fact, many of these music labels simply cannot afford to send music out for free in the form of promotional copies to radio. That makes it very expensive to mount even a partial day format featuring these forms of music and others not mentioned, and for that reason more and more stations are dropping the formats all the time, simply due to the costs of maintaining the music library for these formats or acquiring programs of that music.

The FCC should have a very short form to be filed in the event that waivers be needed to provide these programming on a fulltime basis. It should be under one page long, and be largely yes/no with space to briefly describe the programming need and why it would be in the public interest to broadcast the distant station or nationally provided format such as classical, all the time.

